

## **Exhibit C**

**Sanacory, Antony L.**

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**From:** Nick Setty [Setty@fr.com]  
**Sent:** Thursday, April 13, 2006 2:04 PM  
**To:** Herman, John C.; Christopher O. Green  
**Cc:** Sanacory, Antony L.  
**Subject:** Re: Markman Schedule

I think you are confusing the local rules. We are not talking about 6.3, but 6.2, which does require that we identify with specificity the testimony on which we will rely. When you see our 6.2, you will see page and line, as we understand the rule.

As for follow on, I did not identify a mechanism because I presumed a working knowledge of the order, which says that the 6.2s would be exchanged 2 weeks from having the transcript in hand. Seems explicit to me. From there, we can follow the timeline, of course adjusted to reflect the slippage in 6.2 dates, which is what the parties agreed to do.

If you disagree, I'm happy to discuss this with the court, as I said before.

Nick

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Nagendra Setty  
Managing Principal  
Fish & Richardson  
404.942.2751 (direct line)

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-----Original Message-----

**From:** Herman, John C. <JCHerman@duanemorris.com>  
**To:** Nick Setty <Setty@fr.com>; Christopher O. Green <cgreen@fr.com>  
**CC:** Sanacory, Antony L. <ASanacory@duanemorris.com>  
**Sent:** Thu Apr 13 13:29:06 2006  
**Subject:** RE: Markman Schedule

It is gamesmanship because you do not need an exact citation for the Rule 6.3 submission. Cellnet had 3 lawyers at the depositions and know exactly what the substance of the testimony is.

Moreover, your email fails to address the substance of the issue at hand - when we will have the belated meet and confer and 6.3 submissions, the deadlines for which Cellnet has disregarded. I take it that based on your response you have no intention of doing so timely.

If that is not the case, please let me know at your earliest convenience. We need this issue resolved today either with your cooperation or with the Court's intervention.

From: Nick Setty [mailto:nssetty@fr.com]  
Sent: Thursday, April 13, 2006 11:47 AM  
To: Herman, John C.; Christopher O. Green  
Cc: Sanacory, Antony L.  
Subject: RE: Markman Schedule

John, you have obviously not read the rough draft if you think we are gaming you, as you will see that it is very rough and is not usable for court submission. In fact, you are undoubtedly aware that court reporters will not certify the transcript until final, rendering it unusable in court proceedings. Here is the note at the outset of this transcript:

DISCLAIMER

THE STENOGRAPHIC NOTES TAKEN IN THIS PROCEEDING ARE BEING TRANSLATED INSTANTANEOUSLY INTO THEIR ENGLISH EQUIVALENT THROUGH AN AUTOMATED PROCESS CALLED REALTIME TRANSLATION. THIS TRANSCRIPT HAS BEEN NEITHER EDITED NOR PROOFREAD BY THE COURT REPORTER. THE REALTIME DRAFT IS UNEDITED AND UNCERTIFIED AND MAY CONTAIN UNTRANSLATED STENOGRAPHIC SYMBOLS, AN OCCASIONAL REPORTER'S NOTE, A MISPELLED PROPER NAME AND/OR NONSENSICAL WORD COMBINATIONS, DEPENDING UPON THE COMPLEXITY OF THE DEPOSITION AND THE SPEED OF THE QUESTIONS AND ANSWERS. ALL SUCH ENTRIES WILL BE CORRECTED ON THE FINAL CERTIFIED TRANSCRIPT, WHICH WE WILL DELIVER TO YOU IN ACCORDANCE WITH OUR STANDARD DELIVERY TERMS, OR ON AN EXPEDITED BASIS, SHOULD YOU DESIRE FASTER DELIVERY. DUE TO THE NEED TO CORRECT ENTRIES PRIOR TO CERTIFICATION, THIS ROUGH REALTIME DRAFT CAN ONLY BE USED FOR THE PURPOSE OF AUGMENTING COUNSEL'S NOTES AND NOT TO USE OR CITE IT IN ANY COURT PROCEEDING OR TO DISTRIBUTE IT TO ANY OTHER PARTIES.

Given these facts, If you want to call the Court, we are happy to join and are quite comfortable with the substance of our position and our record. Please let whomever you call know that we have asked that we be on any substantive conversation with the court in this regard.

You should be prepared though; we will tell the Judge that Cellnet specifically discussed with you that we needed 2 weeks from the date we had the transcripts in hand and, because we were concerned of a future change of heart from IPCO's side (like in your email of today), had it written into the Order to which all parties agreed. We will further tell the court that the depositions were 2 weeks ago and that our current information is that we will have the transcripts by late this week or early next, rendering these issues moot.

If, despite these facts, you wish to take the issue to the court, let me know when he can hear from the parties and we will make ourselves available if at all possible.

Nick

Nagendra Setty  
Managing Principal  
~ Fish & Richardson  
1230 Peachtree Street

19th Floor  
Atlanta, Georgia 30309  
404.892.5005 (main)  
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From: Herman, John C. [mailto:JCHerman@duanemorris.com]  
Sent: Thursday, April 13, 2006 11:31 AM  
To: Christopher O. Green; Nick Setty  
Cc: Sanacory, Antony L.  
Subject: RE: Markman Schedule

this is pure gamesmanship - I am calling Judge Cooper this afternoon. I am happy to include you on the line if you wish.

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From: Christopher O. Green [mailto:cgreen@fr.com]  
Sent: Thursday, April 13, 2006 11:27 AM  
To: Herman, John C.; Nick Setty  
Cc: Sanacory, Antony L.  
Subject: RE: Markman Schedule

John -

I think the confusion here is that Nick received only a "Rough Draft ASCII" for Wilson, not a final transcript. Once we will get the final we will be in position to discuss exchange of LPR 6.2 statements and submission of LPR 6.3 statements. I had a short conversation with Tony to this effect last Friday, but I understand he was largely occupied with a series of depositions this week, so we have not spoken further.

regards,  
chris

Christopher O. Green  
Associate  
~Fish & Richardson  
1230 Peachtree Street N.E.  
19th Floor  
Atlanta, Georgia 30309

Direct: 404-942-2133  
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From: Herman, John C. [mailto:JCHerman@duanemorris.com]  
Sent: Thursday, April 13, 2006 11:17 AM  
To: Christopher O. Green; Nick Setty  
Cc: Sanacory, Antony L.  
Subject: RE: Markman Schedule

I was copied on the same email as Nick for Tom Wilson's transcript on 4/3.

I received Brownrigg's as well last week. Did you not receive it? In the event that you did not, I will email you a copy right now.

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From: Christopher O. Green [mailto:cgreen@fr.com]  
Sent: Thursday, April 13, 2006 11:11 AM  
To: Herman, John C.; Nick Setty  
Cc: Sanacory, Antony L.  
Subject: RE: Markman Schedule

John -

We have not yet received the transcripts from both inventors. We will be in position to discuss the schedule once both transcripts are in hand.

regards,  
Chris

Christopher O. Green  
Associate

~Fish & Richardson  
1230 Peachtree Street N.E.  
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From: Herman, John C. [mailto:JCHerman@duanemorris.com]  
Sent: Thursday, April 13, 2006 10:36 AM  
To: Nick Setty; Christopher O. Green  
Cc: Sanacory, Antony L.  
Subject: Markman Schedule

Gentlemen -

We would like to file our Rule 6,3 filings to progress toward our Markman hearing at your earliest convenience. Please advise when we can have a meet and confer without further delay in the schedule in the next couple of days.

Many thanks,

John C. Herman  
Duane Morris LLP  
1180 West Peachtree Street, Suite 700  
Atlanta, Georgia 30309-3448  
404-253-6913 (telephone)  
404-253-6901 (facsimile)  
jcherman@duanemorris.com

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